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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/270,673 03/16/99 UEDA

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EXAMINER

IM22/1019

MIGGINS, M

ART UNIT

PAPER NUMBER

1772

8

DATE MAILED:

10/19/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/270,673	UEDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael C. Miggins	1772	

**-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) 34-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 22-42 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

***Election/Restrictions***

1. Newly submitted claims 34-42 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly added claims 34-42 are substantially identical to originally filed claims 13-21 both the newly added claims and originally filed claims being drawn to a method of producing an annular sliding fluoroplastics member.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 34-42 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

2. This application contains claims 34-42 drawn to an invention nonelected with traverse in Paper No. 4. A complete reply to the final rejection must include cancelation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

**REJECTIONS REPEATED**

3. There are no rejections repeated since applicant has canceled all of the originally filed claims via paper #7.

**REJECTIONS WITHDRAWN**

4. All of the prior art rejections of record in paper #5, pages 2-7, paragraphs 3-8 have been withdrawn since applicant has canceled all of the originally filed claims.

## **NEW REJECTIONS**

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 22-24, 26-27 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Braus et al. (U.S. Patent No. 4,847,135) in view of Hartel et al. (U.S. Patent No. 4,942,075).

Claims 22-24, 26-27 and 33 are rejected for the same reasons of record as originally filed claims 1-3, 5-6 and 12 since claims 22-24, 26-27 and 33 are substantially identical to originally filed claims 1-3, 5-6 and 12 which were rejected in paper #5, pages 3-4, paragraph 4.

7. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Braus et al. (U.S. Patent No. 4,847,135) in view of Hartel et al. (U.S. Patent No. 4,942,075), as applied to claims 22-24, 26-27 and 33 above, and further in view of Stiff et al. (U.S. Patent No. 3,675,980).

Claim 25 is rejected for the same reasons of record as originally filed claim 4 since claim 25 is substantially identical to originally filed claim 4 which was rejected in paper #5, page 4, paragraph 5.

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8. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braus et al. (U.S. Patent No. 4,847,135) in view of Hartel et al. (U.S. Patent No. 4,942,075), as applied to claims 22-24, 26-27 and 33 above, and further in view of Runton et al. (U.S. Patent No. 3,000,076).

Claims 28-29 are rejected for the same reasons of record as originally filed claims 7-8 since claims 28-29 are substantially identical to originally filed claims 7-8 which were rejected in paper #5, pages 5-6, paragraph 6.

9. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Braus et al. (U.S. Patent No. 4,847,135) in view of Hartel et al. (U.S. Patent No. 4,942,075), as applied to claims 22-24, 26-27 and 33 above, and further in view of Board, Jr. (U.S. Patent No. 3,950,599).

Claims 30-31 are rejected for the same reasons of record as originally filed claims 9-10 since claims 30-31 are substantially identical to originally filed claims 9-10 which were rejected in paper #5, pages 6-7, paragraph 7.

10. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Braus et al. (U.S. Patent No. 4,847,135) in view of Hartel et al. (U.S. Patent No. 4,942,075) and Board, Jr. (U.S. Patent No. 3,950,599), as applied to claims 30-31 above, and further in view of Sumiyoshi et al. (U.S. Patent No. 4,559,248).

Claim 32 is rejected for the same reasons of record as originally filed claim 11 since claim 32 is substantially identical to originally filed claim 11 which was rejected in paper #5, page 7, paragraph 8.

### **ANSWERS TO APPLICANT'S ARGUMENTS**

11. Applicant's arguments filed 7/31/01 have been fully considered but they are not persuasive. Applicant has argued that Braus does not disclose an orientation for the short fibers. Applicant's argument has merit, however, the rejection is based upon the combined teachings of Braus and Hartel and Braus does specifically disclose a composition material including fluororesin and aramide short fibers. Hartel at the very least teaches orientation of aramide fibers in matrix materials for the purpose improved load strength (see column 3, lines 25-40, column 2, lines 23-27). Applicant has argued that Hartel teaches the orientation of long fibers as opposed to short fibers. In fact, this is not the case, Hartel never actually spells out whether the fibers are long or short. However, it is the opinion of the examiner that upon inspection of Figs. 1 and 3 one of ordinary skill in the art can see that the fibers are short fibers. Moreover, even assuming, for the sake of argument, that Hartel teaches long fibers, the combined teachings of Braus and Hartel clearly suggest applicant's invention since both references are directed towards aramid fibers in matrix materials, same field of endeavor, and Hartel teaches orientation of aramide fibers in matrix materials for the purpose improved load strength as described above.

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is (703) 305-0915. The examiner can normally be reached on Monday-Friday; 1:30-10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (703) 308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7718 for regular communications and (703) 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

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MCM *slcl*  
October 12, 2001



RENA L. DYE  
PRIMARY EXAMINER

*Tech Center 1700*